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KCC 4979.1  
(K-C 19,378B)  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Wael R. Joseph, et al.

Application Ser. No. 10/659,969

Filed September 11, 2003

For ABSORBENT PRODUCTS COMPRISING A MOISTURIZING AND LUBRICATING  
COMPOSITION

April 22, 2004

PETITION TO MAINTAIN THE FILING DATE  
UNDER 37 C.F.R. §1.53(e)

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS

Dear Sir:

In response to the Notice To File Missing Parts dated April 14, 2004, which states that page 19 appears to have been omitted from the application as filed, Applicants hereby submit this Petition under 37 C.F.R. §1.53(e) to maintain a filing date of September 11, 2003 for the above-referenced patent application. Applicants note that the filing date of September 11, 2003 has been granted in the Notice To File Missing Parts.

As demonstrated in the following paragraphs, and in view of the enclosures, Applicants filed the 49-page patent application, including page 19, on September 11, 2003. Accordingly, the filing date of September 11, 2003 should be maintained for the above-referenced application, including page 19 of the specification.

04/27/2004 HWDGSI 00000071 10659969

01 FC:1460

130.00 OP

**A. STATEMENT OF FACTS AND REQUEST TO MAINTAIN THE FILING DATE  
OF SEPTEMBER 11, 2003**

The following facts are based on a reasonable and diligent investigation of the circumstances leading to the issuance of the Notice To File Missing Parts, which claims that page 19 was omitted from the application at the time of filing.

1. On September 11, 2003, Applicants submitted a Form 391 postcard, an Application Data Sheet (3 pages), a Utility Patent Application Transmittal (3 pages), an application (49 pages), and four (4) sheets of drawings, in connection with the above-referenced application. The application included a written specification including 61 claims and an abstract. The submitted documents totaled 59 pages.

2. As can be seen on the enclosed copy of an internal express mailing log (Exhibit A), documents with attorney docket number KCC 4979.1 (Client/Matter) and consisting of 55 pages with 4 drawings (i.e., 59 pages total) was deposited with the United States Postal Service on September 11, 2003. The Express Mail mailing receipt, evidencing that this deposit was in fact made with the Postal Service, is also enclosed (Exhibit B).

3. As can be seen on the enclosed copy of the date-stamped Form 391 postcard receipt (both sides) (Exhibit C), which shows receipt by the patent office of 49 pages of the application, the Utility Patent Application Transmittal (Exhibit D), which shows receipt by the patent office of 49 pages of the application, the

application including 49 pages, and the drawings were submitted together.

4. On April 14, 2004, the Office mailed a filing receipt (Exhibit E) for the above-referenced application. A copy of the filing receipt is enclosed.

5. On April 14, 2004, the Office mailed the Notice To File Missing Parts including an omitted item, in which it was suggested that if Applicants believe the omitted item was deposited with the nonprovisional application papers, it should be corrected by filing the instant Petition to Maintain the Filing Date Under 37 C.F.R. §1.53(e). A copy of the Notice To File Missing Parts is enclosed.

6. The present Petition To Maintain the Filing Date Under 37 C.F.R. §1.53(e) of September 11, 2003 is being filed less than two months after the mailing date of the Notice To File Missing Parts including the omitted item.

7. In view of the foregoing, Applicants respectfully submit that specification page 19 of the above-referenced application was deposited with the nonprovisional application papers, and that the filing date of September 11, 2003 (09/11/2003) should be maintained for the application, including page 19 of the specification. Notwithstanding the foregoing, as a courtesy to the Office, Applicants enclose a copy of page 19 of the specification of the above-referenced application.

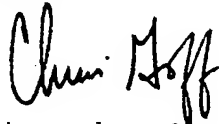
KCC 4979.1  
(K-C 19,378B)  
PATENT

**B. Petition Fee (37 C.F.R. §1.17(h)).**

A check in the amount of \$130.00 is enclosed herewith.

The Commissioner is hereby authorized to charge any fee deficiency in connection with this Petition To Maintain The Filing Date Under 37 C.F.R. §1.53(e) to Deposit Account No. 19-1345. In the event that page 19 of the specification is determined to have been received by the United States Patent and Trademark Office, Applicants respectfully request that a refund of the fee be applied to the aforementioned Deposit Account.

Respectfully submitted,



Christopher M. Goff, Reg. No. 41,785  
SENNIGER, POWERS, LEAVITT & ROEDEL  
One Metropolitan Square, 16th Floor  
St. Louis, Missouri 63102  
(314) 231-5400

CMG/JMB/dmt

Via Federal Express



Page 1 of 2  
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APR 19 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
✓10/659,969	✓09/11/2003	✓Wael R. Joseph	✓KCC 4979.1 (K-C 19, 378B)

000321  
SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102

cm6/jmb

CONFIRMATION NO. 5031

FORMALITIES LETTER



\*OC000000012355337\*

Date Mailed: 04/14/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

04/27/2004 HVUONG1 00000071-10659969

FILED UNDER 37 CFR 1.53(b)

01 FC:1460

130.00 UP

Filing Date Granted

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Page(s) **19** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of

adw

a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

**SUMMARY OF FEES DUE:**

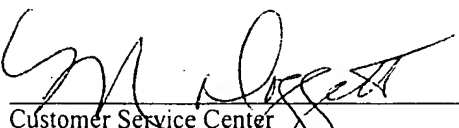
Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Exhibit A

EXPRESS MAIL LOG

[DATE]

9/11

CLIENT/ MATTER	DESCRIPTION OF CONTENTS DESCR OF DOC	# PGS	# DRWNGS	CONTENTS VERIFIED BY	DEPOSTD US P.O. TIME INITLS
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Doc 4979.1

11

59

AL

CLIENT/MATTER:

DESCR OF DOC:

# PGS:

# DRWNGS:

CONTENTS VERIFIED BY:

TIME and INITLS:

Client Designation and Matter Number

Examples: Patent Application, Amendment A, Declaration

Number of pages contained in document

Number of drawings enclosed, if applicable

Initials of individual [e.g., secretary] who verified the contents of Express Mail envelope

The time of day Express Mail envelope is deposited with the US Post Office; and the initials of the individual who deposited Express Mail envelope with the US Post Office [NOTE: MUST BE THE SAME INDIVIDUAL]

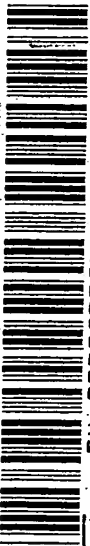


Exhibit B

Customer Copy  
Label 11-F June 2002



UNITED STATES POSTAL SERVICE®  
Post Office To Addressee



EV 327053756 US

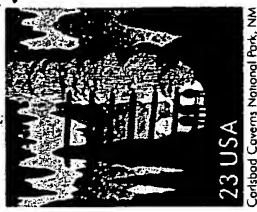
ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code 03169	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>		Delivery Attempt Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Time	Employee Signature
Date In Mo. Day 9 11 03	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65		Delivery Attempt Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Time	Employee Signature
Time In Mo. Day 4:10	Military	Return Receipt Fee		Delivery Date Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Time	Employee Signature
Weight lb. oz. 12.2	<input type="checkbox"/> 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd Day	COD Fee	Insurance Fee	Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Time	Employee Signature
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Int'l Alpha Country Code			<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional fees apply for international mail. Waiver of signature is requested. I wish delivery to be made without signature. If delivery is made without signature, the addressee's agent or delivery employee's signature must be obtained. If delivery is made without signature, the addressee's agent or delivery employee's signature must be obtained. If delivery is made without signature, the addressee's agent or delivery employee's signature must be obtained.			
<b>CUSTOMER USE ONLY</b> METHOD OF PAYMENT: Express Mail Corporate Acct. No.				<b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday			
<b>FROM: (PLEASE PRINT)</b> SENNIGER POWERS LEAVITT & ROEDEL 1 METROPOLITAN SQ FL 16 SAINT LOUIS MO 63102-2711				<b>TO: (PLEASE PRINT)</b> Mail Stop Patent Application COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450			
<b>PHONE</b> 314 231 5400				<b>PHONE</b>			
LK00 4979A 11 Cmc/Adm/Int							



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PRESS HARD. You are making 3 copies.

Exhibit C

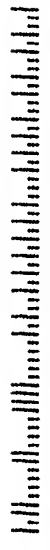
Exhibit C



**SENNIGER, POWERS, LEAVITT AND ROEDEL**  
**ONE METROPOLITAN SQUARE**  
**16TH FLOOR**  
**ST. LOUIS, MISSOURI 63102**

**RECEIVED**  
**SEP 22 2003**

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US APPLICATION

(391)

File KC 4979.1 (19,378B) Attorney CMG/dmt

Client Name Kendry-Clark Worldwide, Inc.

Application of Joseph, et al.

Title Alkane Products Company, Inc.

Manufacturing and Lubricating Compositions

Express Mail No. EV 327053756 PS



(X) utility Application

( ) Number of claims (X) Transmittal LTPTO

(4) Sheets of drawings (X) Fee Transmittal Form (in duplicate)

(4) Total Pages of Application ( ) Combined Declaration/Power of Attorney

(X) Abstract (X) Filing Fee \$ 1,418.00 (check enclosed)

(X) Application Data Sheet ( ) Preliminary Amendment

( ) Other

# Senniger, Powers, Leavitt & Roedel

Attorneys at Law

Patents, Trademarks, Copyrights,  
Technology Law, Antitrust, Litigation

Christopher M. Goff

One Metropolitan Square, 16th Floor  
Saint Louis, Missouri 63102

Telephone: 314-231-5400  
Facsimile: 314-231-4342

www.senniger.com

September 11, 2003

EV327053756US

## UTILITY PATENT APPLICATION TRANSMITTAL (new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket Number: KCC 4979.1 (K-C 19,378B)  
First Named Inventor: Wael R. Joseph  
Title: ABSORBENT PRODUCTS COMPRISING A MOISTURIZING AND  
LUBRICATING COMPOSITION

Express Mail Label Number: EV 327053756 US

TO: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form  
(original and duplicate)
2. ☐ Applicant claims small entity status
3. ☒ Specification [Total Pages 49]
4. ☒ Drawings [Total Sheets 4]
5. Oath or Declaration [Total Pages     ]
  - a. ☐ Newly executed (original or copy)  
☐ New (unexecuted)
  - b. ☐ Copy from a prior application  
(for continuation/divisional with  
Box 19 completed)
    - i. ☐ DELETION OF INVENTOR(s)  
Signed statement attached  
deleting inventor(s) named  
in prior application.

6. ☐ Incorporation By Reference  
(useable if Box 5b is marked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☒ Application Data Sheet
8. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
9. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ paper
- c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

10. ☐ Assignment Papers (cover sheet & document(s))
11. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
12. ☐ English Translation Document (if applicable)
13. ☐ IDS with PTO/SB/O8A ☐ Copies of IDS Citations
14. ☐ Preliminary Amendment
15. ☒ Return Receipt Postcard
16. ☐ Request and Certification for Non-Publication. Form PTO/SB/35 is attached.
17. ☐ Certified Copy of Priority Document(s) if foreign priority is claimed
18. ☐ Other: \_\_\_\_\_

**IF A CONTINUING APPLICATION, CHECK APPROPRIATE BOXES AND SUPPLY THE REQUISITE INFORMATION**

19. ☐ Continuation ☐ Divisional ☐ Continuation-in-Part of prior application No.: \_\_\_\_\_
- ☐ Complete Application based on provisional Application No. \_\_\_\_\_

Prior application information: Examiner:  
Group Art Unit:

CORRESPONDENCE ADDRESS

20. Correspondence Address: Customer Number 321  
Attention: Christopher M. Goff

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Chris Goff", written over the printed name.

Christopher M. Goff, Reg. No. 41,785

CMG/dmt

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APR 19 2004



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
✓ 10/659,969	✓ 09/11/2003	✓ 3763	✓ 1488	✓ KCC 4979.1 (K-C 19, 378B)	✓ 4	61	2

000321  
SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102

*cm6/bmb*

CONFIRMATION NO. 5031 ✓

## FILING RECEIPT



\*OC000000012355336\*

Date Mailed: 04/14/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

- ✓ Wael R. Joseph, Appleton, WI;
- ✓ Keisha Clarke, Appleton, WI;
- ✓ Duane G. Krzysik, Appleton, WI;
- ✓ Bernard J. Minerath III, Oshkosh, WI;

## Assignment For Published Patent Application

✓ Kimberly-Clark Worldwide, Inc.;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 04/14/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts ✓

Non-Publication Request: No

Early Publication Request: No

Title

*cm6/bmb*

✓ Absorbent products comprising a moisturizing and lubricating composition

**Preliminary Class**

604

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



preferred silicone emollients include Dow Corning 200 and Dow Corning 1503.

[0052] Suitable petroleum based emollients include those hydrocarbons, or mixtures of hydrocarbons, having chain lengths of from 16 to 32 carbon atoms. Petroleum based hydrocarbons having these chain lengths include mineral oil (also known as "liquid petrolatum") and petrolatum (also known as "mineral wax," "petroleum jelly" and "mineral jelly"). Mineral oil usually refers to less viscous mixtures of hydrocarbons having from 16 to 20 carbon atoms. Petrolatum usually refers to more viscous mixtures of hydrocarbons having from 16 to 32 carbon atoms.

[0053] Suitable fatty acid ester emollients include those derived from  $C_{12}$ - $C_{28}$  fatty acids, preferably  $C_{16}$ - $C_{22}$  saturated fatty acids, and short chain, such as  $C_1$ - $C_8$ , preferably  $C_1$ - $C_3$ , monohydric alcohols. Examples include methyl palmitate, methyl stearate, isopropyl laurate, isopropyl myristate, butyl myristate, butyl stearate, octyl palmitate, isopropyl isostearate, isopropyl palmitate, ethylhexyl palmitate, and mixtures thereof. Suitable fatty acid ester emollients can also be derived from monoesters and diesters of both short chain, such as  $C_1$ - $C_{10}$ , and longer chain fatty alcohols, such as  $C_{12}$ - $C_{28}$ , preferably  $C_{12}$ - $C_{16}$ , and shorter chain organic acids such as lactic acid, lauryl lactate and cetyl lactate. Additional examples include diisopropyl sebacate, dimethyl sebacate, dioctyl sebacate, dibutyl sebacate, diisopropyl adipate, and dicapryl adipate. In addition, mixtures of petroleum based emollients and fatty acid ester emollients can provide emollient systems that have a superior feel compared to the pure components individually.

[0054] Suitable alkyl ethoxylate type emollients include  $C_{12}$ - $C_{22}$  fatty alcohol ethoxylates having an average degree of ethoxylation of from about 2 to about 30. Preferably, the fatty alcohol ethoxylate emollient is selected from the group of lauryl, cetyl, and stearyl ethoxylates, and mixtures thereof, having an average degree